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3136 Winton Road South, Suite 204  
Rochester, New York 14623-2928

## Fax Cover Sheet

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AUG 04 2003  
GROUP 3700

**DATE:** August 4, 2003

**TO:** Examiner Ahmed M. Farah  
USPTO (Art Unit 3739)

**PHONE:** (703) 305-5787

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**FROM:** Kenneth J. LuKacher

**PHONE:** (585) 424-2670

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**RE:** U.S. Patent Application Serial No. 09/579,599 (Confirmation No. 8050)

Our Ref: ML-0362C2

**Number of pages including cover sheet:** 21

### Message

Please see the attached.

1) Timely Filed Amendment and Explanatory Cover Letter originally transmitted on April 29, 2003; and

2) Request for Continued Examination with Fifth Supplemental Information Disclosure Statement.

This communication is confidential. If this communication has not been received by the intended recipient, please contact Ken LuKacher at (585) 424-2670.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicant(s): James M. Zavislan et al.

Serial No.: 09/579,599

Filed: May 26, 2000

For: MICROSCOPIC IMAGING APPARATUS AND METHOD

Examiner: A. Farah

Art Unit: 3739

Atty Docket: ML-0362C2

#19  
FAX RECEIVED  
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GROUP 3700LETTER SUBMITTING DUPLICATE COPY OF TIMELY FILED AMENDMENTCommissioner of Patents  
Washington, D.C. 20231

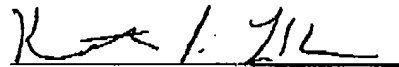
Dear Sir:

Applicants request that the Notice of Abandonment dated April 23, 2003 in the above-identified application be withdrawn. Attached is a copy of a timely filed Amendment which was mailed to the Patent Office via Express Mail on December 30, 2002 with a petition for a three-month extension of time in response to the Office Action dated July 2, 2002 for the above-identified application. A copy of the Certificate of Mailing, Express Mail receipt, and acknowledgment postcard is enclosed.

Please call the undersigned attorney of record if there are any questions regarding this matter.

Respectfully submitted,

Dated: April 29, 2003

Kenneth J. LuKacher  
Attorney for Applicant(s)  
Registration No. 38,539South Winton Court  
3136 Winton Road South, Suite 204  
Rochester, New York 14623  
Telephone: (585) 424-2670  
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COPY

Please acknowledge receipt of the following documents by stamping date received on this card and returning it.

Applicants: Zavislan et al.


Serial No: 09/579,599



- Amendment with attached Appendix;
- Terminal Disclaimer;
- Combined Amendment Transmittal Letter and Petition for Extension of Time (in duplicate);
- Certificate of Mailing by Express Mail, Express Mail No. EV 104334775 US.

Mailed: 12/30/2002

Atty Docket: ML-0362C2

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No. <b>ML-0362C2</b>
Applicant(s): James M. Zavislan et al.			
Serial No. <b>09/579,599</b>	Filing Date <b>05/26/2000</b>	Examiner <b>Ahmed M. Farah</b>	Group Art Unit <b>3739</b>
Invention: <b>MICROSCOPIC IMAGING APPARATUS AND METHOD (AS AMENDED)</b>			<b>COPY</b>
<p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"><p><b>AMENDMENT WITH ATTACHED APPENDIX, TERMINAL DISCLAIMER, AND COMBINED AMENDMENT TRANSMITTAL LETTER AND PETITION FOR EXTENSION OF TIME</b></p><p style="text-align: center;"><i>(Identify type of correspondence)</i></p></div> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: <del>The Assistant</del> Commissioner for Patents, Washington, D.C. 20231 on</p> <p style="text-align: center;"><u>DECEMBER 30, 2002</u> <i>(Date)</i></p> <div style="text-align: center; margin-top: 20px;"><p><u>Tammy S. Moynihan</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p><p> <i>(Signature of Person Mailing Correspondence)</i></p><p><u>EV 104334775 US</u> <i>("Express Mail" Mailing Label Number)</i></p></div> <p style="text-align: center; margin-top: 20px; font-size: 1.2em;"><b>EV104334775US</b></p>			
<p><b>Note: Each paper must have its own certificate of mailing.</b></p>			

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08/04/2003 MON 11:30 FAX 5854246196

KENNETH J. LUKACHER

008

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Small Entity)**Docket No.  
ML-0362C2

In Re Application Of: James M. Zavislan et al.

**COPY**Serial No.  
09/579,599Filing Date  
05/26/2000Examiner  
Ahmed M. FarahGroup Art Unit  
3739Invention: **MICROSCOPIC IMAGING APPARATUS AND METHOD (AS AMENDED)****TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 07/02/2002 in the above-identified application.

*Date*

The requested extension is as follows (check time period desired):

☐ One month    ☐ Two months    ☒ Three months    ☐ Four months    ☐ Five months

from: 10/02/2002

*Date*

until: 01/02/2003

*Date*

A verified statement of small entity status as a small entity under 37 CFR 1.27:

- ☐ is enclosed.
- ☒ has already been filed in this application.

The fee for the amendment and extension of time has been calculated as shown below:

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
11/17/2003 LFULTON 00000002 501101 09578599					
01 FC:2014 TOTAL CLAIMS DA	21 -	20 =	1	x \$9.00	\$9.00
02 FC:2253 INDEP. CLAIMS	4 -	3 =	1	x \$42.00	\$42.00
FEE FOR AMENDMENT					\$51.00
FEE FOR EXTENSION OF TIME					\$460.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$511.00

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Small Entity)**Docket No.  
ML-0362C2

The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of \_\_\_\_\_ for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. 50-1101 in the amount of \$511.00.  
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1101.  
A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-1101. A duplicate copy of this sheet is enclosed.

  
Signature

Dated: December 30, 2002

Kenneth J. LuKacher  
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Telephone: 585-424-2670  
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KJL/tsm

cc:

I certify that this document and fee is being deposited  
on \_\_\_\_\_ with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence